



which is located in Idaho and provides services to customers in Northern Nevada.

c. In 2005 Respondent hired Steven Lerohl as a Hearing Aid Specialist.<sup>1</sup>

d. Respondent knew at all relevant times that Mr. Lerohl was not licensed as a Hearing Aid Specialist in Nevada.

e. In the summer of 2005, with the knowledge of Respondent, Mr. Lerohl went to Nevada alone to provide service to clients on behalf of Hearing Counselors and Audiology.

f. By knowingly allowed Mr. Lerohl to provide services in Nevada on behalf of Hearing counselors and Audiology with out a license, Respondent was negligent and engaged in unprofessional conduct in violation of Nevada law.

A true and correct copy of the Nevada State Board of Hearing Aid Specialists' Findings of Fact, Conclusion of Law and Decision is attached as Exhibit A.

A.4. The allegations of Paragraph A.3 constitute grounds for discipline against Respondent's license to practice as a hearing aid dealer and fitter in the State of Idaho pursuant to Idaho Code § 54-2923(9) (Board may discipline a licensee for having disciplinary action taken by another state's licensing board).

### **B. Waiver of Procedural Rights**

I, Robert F. Schroeder, by affixing my signature hereto, acknowledge that:

B.1. I have read, understand and admit the allegations pending before the Board, as stated in Section A, Paragraph A.3. I further understand that these allegations constitute cause for disciplinary action upon my license to practice as a hearing aid dealer and fitter in the State of Idaho.

B.2. I understand that I have the right to a full and complete hearing; the right to confront and cross-examine witnesses; the right to present evidence or to call witnesses,

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<sup>1</sup> Mr. Lerohl was licensed as a hearing aid dealer and fitter in the State of Idaho under License No. HA-1027 on November 19, 2004.

or to testify myself; the right to reconsideration of the Board's orders; the right to judicial review of the Board's orders; and all rights accorded by the Administrative Procedure Act of the State of Idaho and the laws and rules governing the practice of hearing aid dealing and fitting in the State of Idaho. I hereby freely and voluntarily waive these rights in order to enter into this Stipulation as a resolution of the pending allegations.

B.3. I understand that in signing this Stipulation I am enabling the Board to impose disciplinary action upon my license without further process.

### **C. Stipulated Discipline**

C.1. Respondent is hereby formally reprimanded by the Board.

C.2. Respondent shall pay investigative costs and attorney fees in the amount of Two Hundred Fifty and No/100 Dollars (\$250.00) within thirty (30) days of the entry of the Board's Order.

C.3. Respondent shall comply with all terms of the Nevada State Board of Hearing Aid Specialists' Findings of Fact, Conclusion of Law and Decision. The failure of Respondent to comply with the Nevada State Board of Hearing Aid Specialists' Findings of Fact, Conclusion of Law and Decision may constitute grounds for further disciplinary action against Respondent's Idaho license.

C.4. Respondent shall comply with all applicable laws and rules governing the practice of hearing aid dealing and fitting in Idaho, including all provisions of title 54, chapter 29, Idaho Code and the Board's rules at IDAPA 24.23.01, *et seq.* Respondent understands that these laws and rules prohibit the same type of conduct for which the Nevada Board disciplined him, i.e., from aiding or abetting an out-of-state, unlicensed person from performing activities in this State for which a license in this State is required.

C.5. The violation of any of the terms of this Stipulation by Respondent may warrant further Board action. The Board therefore retains jurisdiction over this proceeding until all matters are finally resolved as set forth in this Stipulation.

#### **D. Presentation of Stipulation to Board**

D.1. The Board's prosecutor shall present this Stipulation to the Board with a recommendation for approval.

D.2. The Board may accept, modify with Respondent's approval, or reject this Stipulation. If the Board rejects the Stipulation, an administrative Complaint may be filed with the Board. Respondent waives any right Respondent may have to challenge the Board's impartiality to hear the allegations in the administrative Complaint based on the fact that the Board has considered and rejected this Stipulation. Respondent does not waive any other rights regarding challenges to Board members.

D.3. If the Board rejects this Stipulation then, except for Respondent's waiver set forth in Paragraph D.2., this Stipulation shall be regarded as null and void, and admissions in this Stipulation and negotiations preceding the signing of this Stipulation will not be admissible at any subsequent disciplinary hearing.

D.4. Except for Paragraph D.2. which becomes effective when Respondent signs this Stipulation, this Stipulation shall not become effective until it has been approved by a majority of the Board and a Board member signs the attached Order.

#### **E. Violation of Stipulation and Consent Order**

E.1. If Respondent violates this Stipulation and Consent Order, the violation shall be considered grounds for additional discipline and the Board may impose additional discipline pursuant to the following procedure:

a. The Chief of the Bureau of Occupational Licenses shall schedule a hearing before the Board to assess whether Respondent has violated this Stipulation and Consent Order. The Chief shall also serve notice of the hearing and charges to Respondent and to Respondent's attorney, if any. Within twenty-one (21) days after the notice of the hearing and charges is served, Respondent may submit a response to the allegations. If Respondent does not submit a timely response to the Board, the alleged violations will be deemed admitted.

b. At the hearing, the Board and Respondent may submit evidence and present oral argument based upon the record in support of their positions. Unless otherwise ordered by the Board, the evidentiary record before the Board shall be limited to evidence relevant to whether Respondent has violated this Stipulation and Consent Order. At the hearing the facts and substantive matters related to the violations described in Section A shall not be at issue.

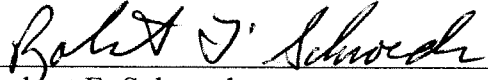
c. At the hearing, the Board may impose additional discipline, which may include the suspension or revocation of Respondent's license, the imposition of fines, the recovery of costs and attorney fees incurred by the Board and/or other conditions or limitations upon Respondent's practice.

E.2. This Stipulation and Consent Order is the resolution of a contested case and is a public record.

E.3. This Stipulation contains the entire agreement between the parties, and Respondent is not relying on any other agreement or representation of any kind, verbal or otherwise.

I have read the above Stipulation fully and have had the opportunity to discuss it with legal counsel. I understand that by its terms I am waiving certain rights accorded me under Idaho law. I understand that the Board may either approve this Stipulation as proposed, approve it subject to specified changes, or reject it. I understand that, if approved as proposed, the Board will issue an Order on this Stipulation according to the aforementioned terms, and I hereby agree to the above Stipulation for settlement. I understand that if the Board approves this Stipulation subject to changes, and the changes are acceptable to me, the Stipulation will take effect and an order modifying the terms of the Stipulation will be issued. If the changes are unacceptable to me or the Board rejects this Stipulation, it will be of no effect.

DATED this 28 day of Nov, 2007.

  
Robert F. Schroeder  
Respondent

I recommend that the Board enter an Order based upon this Stipulation.

DATED this 10<sup>th</sup> day of December, 2007.

STATE OF IDAHO  
OFFICE OF THE ATTORNEY GENERAL

By Karl T. Klein  
Karl T. Klein  
Deputy Attorney General

### ORDER

Pursuant to Idaho Code § 54-2910, the foregoing is adopted as the decision of the Speech and Hearing Services Licensure Board in this matter and shall be effective on the 4<sup>th</sup> day of January, 2008. IT IS SO ORDERED.

IDAHO STATE SPEECH AND  
HEARING SERVICES LICENSURE BOARD

By Andrew J. Seitz  
Andrew J. Seitz, Chair



\* S H S - 2 0 0 8 - 2 \*

## CERTIFICATE OF SERVICE

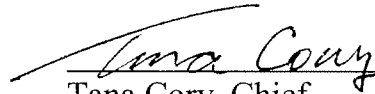
I HEREBY CERTIFY that on this 7th day of January, 2008, I caused to be served a true and correct copy of the foregoing by the following method to:

Robert F. Schroeder  
2508 Addison Avenue E  
Twin Falls, ID 83301

- ☒ U.S. Mail
- ☐ Hand Delivery
- ☒ Certified Mail, Return Receipt Requested
- ☐ Overnight Mail
- ☐ Facsimile: \_\_\_\_\_
- ☐ Statehouse Mail

Karl T. Klein  
Deputy Attorney General  
P.O. Box 83720  
Boise, ID 83720-0010

- ☐ U.S. Mail
- ☐ Hand Delivery
- ☐ Certified Mail, Return Receipt Requested
- ☐ Overnight Mail
- ☐ Facsimile: \_\_\_\_\_
- ☒ Statehouse Mail

  
Tana Cory, Chief  
Bureau of Occupational Licenses

1                    **BEFORE THE NEVADA STATE BOARD OF HEARING AID SPECIALISTS**

2  
3  
4    BOARD OF HEARING AID SPECIALISTS  
5    STATE OF NEVADA,

6                                    Petitioner,  
7                    v.

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW,  
AND DECISION**

8    ROBERT SCHROEDER,

9                                    Respondent.  
10                                    \_\_\_\_\_ /

11                    This matter was heard by the Nevada State Board of Hearing Aid Specialists (Board) at  
12    a hearing held on February 10, 2007. The Respondent, Robert Schroeder, received proper  
13    notice of the hearing via certified mail, but did not appear. The Board now enters the following  
14    findings of fact, conclusions of law and decision.

15                                    **I. FINDINGS OF FACT**

16                    Mr. Schroeder is, and was at all relevant times, licensed as a Hearing Aid Specialist in  
17    the State of Nevada (License No. 169) and in the State of Idaho. Mr. Schroeder is employed  
18    at Hearing Counselors and Audiology, which is located in Idaho and provides services to  
19    customers in Northern Nevada.

20                    In two letters to the Board dated January 26, 2006 and April 24, 2006, Mr. Schroeder  
21    admitted the following:

22                    a.     In 2005, Mr. Schroeder hired Steven Lerohl as a Hearing Aid Specialist.

23                    b.     Mr. Schroeder knew at all relevant times that Mr. Lerohl was not licensed as a  
24    Hearing Aid Specialist in Nevada.

25                    c.     In the summer of 2005, with the knowledge of Mr. Schroder, Mr. Lerohl went to  
26    Nevada alone to provide service to clients on behalf of Hearing Counselors and Audiology.

27    On or about January 9, 2007, the Board issued a formal Complaint against Respondent and a  
28    Notice of Hearing.

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Exhibit A  
Page 1 of 3



## II. CONCLUSIONS OF LAW

Hearing Aid Specialists in the State of Nevada are governed by chapter 637A of the Nevada Revised Statutes (NRS) and chapter 637A of the Nevada Administrative Code (NAC). The Board is responsible for the administration of NRS 637A and NAC 637A, and for the licensing and regulation of persons engaged in the practice of dispensing hearing aids in the State of Nevada.

### A. Violation One

By knowingly allowing Mr. Lehrol to provide services in Nevada on behalf of Hearing Counselors and Audiology without a license, Mr. Schroeder was negligent in violation of NRS 637A250(5).

### B. Violation Two

By knowingly allowing Mr. Lehrol to provide services in Nevada on behalf of Hearing Counselors and Audiology without a license, Mr. Schroeder engaged in unprofessional conduct which is harmful to the public in violation of NRS 637A.250(5)(b).

### C. Violation Three

By knowingly allowing Mr. Lehrol to provide services in Nevada on behalf of Hearing Counselors and Audiology without a license, Mr. Schroeder engaged in unprofessional conduct by knowingly employing a person who is not licensed to fit or dispense hearing aids in violation of NRS 637A.250(5)(d) and NAC 637.181(1).

Pursuant to NRS 637A.290, the Board may issue a public reprimand; impose a fine of up to five thousand dollars (\$5,000.00) if more than one violation is found, order restitution for loss suffered as a result of a violation; require the licensee to demonstrate that he is qualified and competent to practice, including retaking and passing the examination; place the licensee on probation, or suspend or revoke the license. If the Board finds a violation and imposes discipline, it may also recover reasonable attorney's fees and costs. See NRS 622.400.

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### III. DECISION

Based upon the foregoing Findings of Fact and Conclusions of Law, the decision of the Board is as follows:

1. Mr. Schroeders's license will be placed on probation for one (1) year.
2. Mr. Schroeder shall provide monthly reports to the Board regarding any and all services provided in the State of Nevada.
3. Mr. Schroeder shall provide to the Board a list of all employees of Hearing Counselors and Audiology, including information pertaining to licensure of each employee.
4. A public reprimand shall be issued by the Board to Mr. Schroeder.
5. Mr. Schroeder will pay an administrative fine of five thousand dollars (\$5,000.00) within fifteen (15) days of the effective date of this Order.
6. Mr. Schroeder will reimburse the Board for the attorney's fees it incurred in pursuing this matter.

This decision shall become effective on the 18 day of May, 2007.<sup>1</sup>

IT IS SO ORDERED.

Dated this 8 day of May, 2007.

NEVADA STATE BOARD OF  
HEARING AID SPECIALISTS

By:

Kathleen Vander Wall

Kathleen Vander Wall  
Chair

<sup>1</sup> The third day after the date on which this order is sent to Respondent via certified United States Mail.  
See NAC 637A.535(3)(c).